

12-20

Rulemaking Hearing Rules  
of  
The Tennessee Department of Human Services  
Family Assistance Division

Chapter 1240-1-47  
Non-Financial Eligibility Requirements  
Families First Program

Amendments

Rule 1240-1-47-.10 Eligible Aliens, is amended by deleting paragraph (2) in the entirety, and by substituting the following new language, so that, as amended, paragraph (2) shall read:

(2) Description Of Eligible Aliens.

(a) Citizens and eligible aliens. The Department shall prohibit participation in the program by any person who is not a resident of the United States and one of the following:

1. A United States citizen; or
2. An alien that, under federal laws and regulations, is permitted to receive Families First benefits funded by federal TANF dollars. These eligible aliens may include, but are not necessarily limited to, certain individuals lawfully present in the United States as a result of the application of the Immigration and Nationality Act and the Immigration Reform and Control Act of 1986.

Authority: TCA §§ 4-5-201 et seq.; 71-1-105; 71-3-154; 71-3-158; 42 USCA § 1315(a); 45 CFR 233.50 and 233.51.

The Tennessee Department of Human Services  
Family Assistance Division

Chapter 1240-1-49  
Families First Employment and Training

Amendments

Rule 1240-1-49-.04 Failure To Comply, Conciliation, Good Cause, And Sanctions, is amended by deleting subparagraph (b) under paragraph (1) in the entirety, and by substituting the following new language, so that, as amended, subparagraph (b), paragraph (1) shall read:

- (b) Conciliation. Conciliation provides an opportunity for an individual to discuss non-compliance issues with specified staff prior to imposition of sanctions. Before a sanction is imposed, a notice will be sent to the individual scheduling a meeting to identify any barriers or problems that may be related to the noncompliance, and resolve them if possible. This conciliation conference may be face-to-face or over the phone. If good cause for noncompliance does not exist, the individual will be offered an opportunity and 10 calendar days to comply with the work requirement. Failure of the individual to respond to the scheduled appointment or to comply with the work requirement within the 10 calendar day period will result in the imposition of the sanction without conciliation.

Authority: TCA §§ 4-5-201 et seq.; 71-1-105; 71-1-105(12), 71-3-151 through 71-3-165, T.C.A. 71-3-154(a)(d)(1)(B) and (C), (g) and (h), 71-3-157(c)(1) and (f); 42 USCA § 1315(a); Federal Waiver of July 16, 1996.

Legal Contact or Party who will approve final copy:

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Signature of the agency officer or officers directly responsible for proposing and/or drafting these rules:

Lisa Elam  
 Lisa Elam, Director, Families First Policy  
 Tennessee Department of Human Services

Glenda Shearon  
 Glenda Shearon, Assistant Commissioner  
 Adult and Family Services  
 Tennessee Department of Human Services

Virginia T. Lodge  
 Virginia T. Lodge, Commissioner  
 Tennessee Department of Human Services

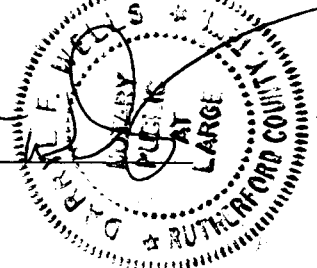
I certify that this is an accurate and complete copy of rulemaking hearing rules, lawfully promulgated and adopted by the Department of Human Services on the 5th day of December 2003.

Further, I certify that the provisions of T.C.A. § 4-5-222 have been fully complied with, that these rules are properly presented for filing, a notice of rulemaking hearing was filed in the Department of State on the 30th day of September, 2003 and such notice of rulemaking hearing having been published in the October 15, 2003 issue of the Tennessee Administrative Register, and such rulemaking hearing having been conducted pursuant thereto on the 18th day of November, 2003.

Phyllis A. Simpson  
 Phyllis A. Simpson  
 Assistant General Counsel  
 Tennessee Department of Human Services

Subscribed and sworn to before me this the 5th day of December, 2003

[Signature]  
 Notary Public



My Commission Expires on the \_\_\_ day of August, 2006

All rulemaking hearing rules provided for herein have been examined by the Attorney General and Reporter of the State of Tennessee and are approved as to legality pursuant to the provisions of the Administrative Procedures Act, Tennessee Code Annotated, Title 4, Chapter 5.

Paul G. Summers  
 Paul G. Summers  
 Attorney General and Reporter

The rulemaking hearing rules set out herein were properly filed in the Department of State on the 19 day of Dec., 2003 and will become effective on the 3 day of March, 2004

Riley C. Darnell  
 Riley C. Darnell  
 Secretary of State

By: [Signature]

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